

**Sixty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2025**

HOUSE BILL NO. 1247

(Representatives D. Johnston, Bolinske, Frelich, Heilman, K. Anderson, Steiner, Wolff, VanWinkle)
(Senators Myrdal, Wobbema, Paulson, Cory)

AN ACT to create and enact a new section to chapter 15.1-19 of the North Dakota Century Code, relating to protection of a student victim of a sexual offense.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-19 of the North Dakota Century Code is created and enacted as follows:

Student sexual offense - Victim protection.

1. As used in this section:
 - a. "Responsible student" means a student enrolled in a school who is an adjudicated juvenile or an adult convicted of committing a sexual offense upon another student enrolled in the same school.
 - b. "Sexual offense" means an offense under chapter 12.1-20 for which "sexual act" or "sexual contact", as defined in section 12.1-20-02, is an element and the offenses under sections 12.1-20-05, 12.1-20-05.1, 12.1-20-12.1, 12.1-20-12.2, and 12.1-20-12.3.
2. A responsible student enrolled in the same school as the victim shall adhere to a safety plan developed by the school which may include:
 - a. Consideration of the victim's input.
 - b. No contact between the responsible student and the victim.
 - c. Holding an expulsion hearing for the responsible student which grants procedural due process to the responsible student as provided by law and within the time period prescribed under section 15.1-19-09. For a misdemeanor offense, before holding an expulsion hearing, school administration shall review the offense to determine whether an expulsion hearing is warranted.
 - d. Transferring a responsible student to an alternative education program, which may include virtual education if the responsible student is properly supervised.
 - e. Transferring a responsible student to another school or building within the school district.
 - f. Separating the responsible student from the victim at all times in school buildings and educational activities, if transferring the responsible student is not possible.
 - g. Scheduled reviews of the safety plan to assess necessary adjustments and ensure continued safety of the victim.
 - h. Other measures school administration deems appropriate to ensure the safety of the victim.
3. The school shall determine the duration of a separation resulting from the safety plan based on:
 - a. The victim's input and well-being;

- b. The responsible student's age at the time of adjudication or conviction;
 - c. The nature and severity of the offense;
 - d. The responsible student's compliance with recommended intervention programs;
 - e. The input of the victim or responsible student's legal guardian or custodian, child welfare and mental health professionals, and legal representatives; and
 - f. Other factors school administration deems appropriate.
4. A victim or the victim's legal guardian or custodian may request a review of the safety plan, including modification or removal of restrictions.
5. Upon adjudication or conviction of a responsible student, the juvenile court in a juvenile case or the state's attorney in an adult case shall provide the superintendent or designee of the school district in which the responsible student is enrolled with a copy of the order of disposition or judgment and, upon consent of the victim, the victim's name. A record provided under this section is confidential under section 27-20.2-21.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-ninth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1247.

House Vote: Yeas 91 Nays 0 Absent 3

Senate Vote: Yeas 47 Nays 0 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2025.

Approved at _____ M. on _____, 2025.

Governor

Filed in this office this _____ day of _____, 2025,

at _____ o'clock _____ M.

Secretary of State